

Subchapter H. STUFFED TOYS

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Authority

The provisions of this Subchapter H issued under act of July 25, 1961 (P. L. 855, No. 372) (35 P. S. §§52015209), unless otherwise noted.

Source

The provisions of this Subchapter H adopted November 24, 1961; amended through September 25, 1969, unless otherwise noted.

GENERAL PROVISIONS

§47.311. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Acetate - A manufactured fiber in which the fiber-forming substances consist of cellulose acetate. When not less than 92% of the hydroxyl groups are acetylated, the term triacetate may be used as a generic description of the fiber.

Acrylic - A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of acrylonitrile units.

Azlon - A manufactured fiber in which the fiber-forming substance is composed of any regenerated naturally occurring proteins.

Cellulose fiber - The fibers obtained from wood pulp and compressed into pads. The label designation shall be cellulose fiber pad.

Cotton - This term shall not be used by itself.

Excelsior - The fine shredded, thread or ribbon-like fiber of wood, but does not include waste products such as sawdust, shavings or similar materials. The term wood wool is prohibited. The label designation shall be

Feathers - The feathers of the designated fowl which are whole in physical structure with the natural form and curvature originally found in the feathers. The origin of the feathers shall be stated on the label.

Garnetted clippings - New material which has been made into fabric and subsequently cut up, torn up, broken up or ground up and run through a garnetting machine and thoroughly processed.

Glass - A manufactured fiber in which the fiber-forming substances is glass.

Hair - The coarse, filamentous epidermal outgrowth of such animals as horses, cattle, hogs, and goats. This term shall not be used by itself, but shall be used as follows:

- (i) *Horse hair* - The hair of the manes or tails of horses.
- (ii) *Cattle hair* - The hair from the tails of cattle.
- (iii) *Hog hair* - The bristles and body hair of swine.
- (iv) *Body hair* - The short soft hair removed from the bodies of animals.
- (v) *Goat hair* - The hair from any species of goats.

Importer - Any person as defined in the act of July 25, 1961 (P.L. 855, No. 372) (35 P. S. §§52015209) who imports from foreign countries or states materials that are within the scope of the act, and sold, distributed or given away in this Commonwealth.

Kapok - The fibrous growth contained in the pod of the kapok tree.

Latex foam rubber - Natural or synthetic rubber latex which has been converted from a liquid state to a stable foamy mass and molded or otherwise assembled into suitable shapes for commercial use.

Metallic - A manufactured fiber composed of metal, plastic coated metal, metal coated plastic or a core completely covered by metal.

Modacrylic - A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of less than 85% but at least 35% by weight of acrylonitrile units.

New - Any article or material which has not been used prior to being utilized as part of a stuffed toy.

Nylon - A manufactured fiber in which the fiber-forming substance is any long chain synthetic polyamide having recurring amide groups as an integral part of the polymer chain.

Nytril - A manufactured fiber containing at least 85% of a long chain polymer of vinylidene dinitrile and the vinylidene dinitrils content is no less than every other unit in the polymer chain.

Olefin - A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of ethylene, propylene or other olefin units.

Polyester - A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of an ester of a dihydric alcohol and terephthalic acid.

Polystyrene foam beads - A filling material which has been processed into small round droplets usually from 01/2 inch in diameter.

Rayon - A manufactured fiber composed of regenerated cellulose, as well as manufactured fibers composed of regenerated cellulose in which substituents have replaced not more than 15% of the hydrogens of the hydroxyl groups.

Rubber - A manufactured fiber in which the fiber-forming substance is comprised of natural or synthetic rubber.

Saran - A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 80% by weight of vinylidene chloride units.

Sawdust - Small particles of wood produced by sawing.

Shredded clippings - New material which has been made into fabric and subsequently cut up, torn up, broken up or ground up, but which has not been run through a garnetting machine nor thoroughly processed.

Shredded latex foam rubber - Latex foam rubber which has been subjected to a shredding process.

Shredded synthetic foam - Synthetic foams which have been subjected to a shredding process.

Shredded paper byproduct - Paper removed from various machine operations in the preparation of manufacturing other products and subsequently cut up, torn up, broken up, or ground up.

Sisal - The fiber obtained from the agave plant. This term shall be used when the material is new and does not consist of waste, or reclaimed fibers. If made of waste or reclaimed fibers, the term reprocessed sisal fiber shall be used.

Spandex - A manufactured fiber in which the fiber-forming substance is a long chain synthetic polymer comprised of at least 85% of a segmented polyurethane.

Synthetic foam - A material made of synthetic products other than synthetic rubber and produced in a resilient foam-like state. The label designation shall include terms describing the recurring units or groups of the polymerized or copolymerized product. For example, the foam derived from polyesters and diisocyanate shall be termed polyurethane.

Textile clippings - A material which has been made into thread, yarn or fabric but not reduced into a fibrous state.

Textile fiber waste - Combination of fiber of undetermined generic kind.

Thermoplastic beads - Synthetic resins formed into small beads or pellets.

Vinal - A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 50% by weight of vinyl alcohol units and in which the total of the vinyl alcohol units and any one or more of the various acetal units is at least 85% by weight of the fiber.

Vinyon - A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of vinyl chloride units.

Wool - Fibers from the fleece of the sheep which have not been reclaimed from any woven or felted product or from any byproduct of manufacturing. The label designation shall be wool.

Source

The provisions of this §47.311 amended September 15, 1978, 8 Pa.B. 2596. Immediately preceding text appears at serial pages (9252) to (9253).

Cross References

This section cited in 34 Pa. Code §47.316 (relating to filling material).

§47.312. Scope.

- (a) This subchapter sets forth rules relating to stuffed toys, and places the responsibility of complying with these rules upon the manufacturers, retailers, distributors or other persons having the article or material in their possession.
- (b) This subchapter applies to manufacturers or importers of all stuffed toys sold, distributed or given away in this Commonwealth.

§47.313. Penalty.

Any person who violates this subchapter or any regulations of the Department or who interferes with the Department or its duly authorized representative in the enforcement of these provisions or regulations shall upon conviction be penalized in accordance with section 9 of act of July 25, 1961 (P. L. 857, No. 372) (35 P. S. §5209).

§47.314. Registration.

- (a) Applications for registration shall be accompanied by a sample of all products within the scope of this subchapter, manufactured by the applicant for sale, distribution or gift in this Commonwealth. The application shall be accompanied by a notarized statement of the manufacturer or of an authorized officer of the manufacturer, that the submitted samples have been selected at random from the products offered for sale by the manufacturer.
- (b) No importer shall import articles within the scope of this subchapter unless they have been approved by the Department. However, the importer may consider himself as the manufacturer for purposes of this subchapter and apply for registration as such manufacturer might do.
- (c) Within 15 days after any change in or concerning a toy which makes the information previously submitted with respect to it erroneous or inaccurate in any respect, or within 15 days of commencement of a new toy as to which information

has not been previously submitted the manufacturer or importer shall submit to the Department the information required by subsection (a) of this section concerning such new or changed toys.

§47.315. Seal of approval.

- (a) Each stuffed toy manufactured for sale, delivered, consigned or possessed for sale, sold or offered for sale, gift or use in this Commonwealth shall have securely affixed to it a tag or label. The form, design, color or size of the label is left to the discretion of the manufacturer or importer, but the information required on the label shall be clearly legible and in sufficient size type so that it may be readily discerned.
- (b) The label of a stuffed toy shall bear the following information:
 - (1) A statement that all new material or all new (type) material was used in the manufacture of the stuffed toy.
 - (2) The registration number of the manufacturer or importer assigned by the Commonwealth preceded by the abbreviations REG. NO. PA.
- (c) No person other than the one granted a given registration or his designated agent shall use the registration number.

Source

The provisions of this §47.315 amended through September 15, 1978, 8 Pa.B. 2596. Immediately preceding text appears at serial pages (19123) to (19124).

§47.316. Filling material.

When filling material is designated on the article or package in which the article is contained, the filling material shall be designated by its accepted generic term as set forth in §47.311 (relating to definitions).

§47.317. Tolerances.

Toys shall be declared unfit for sale, gift or use in this Commonwealth if they contain any of the following:

- (1) Material of sufficient size to visibly reveal a pattern, weave, or other mechanical unification of threads to indicate prior use or a previous manufacturing process.
- (2) Dirt or any other foreign matter in excess of 1% by weight.
- (3) More than 1% oil or grease.
- (4) More than .002% lead (as Pb)20 parts per million.
- (5) More than .0002% arsonic (as As₂O₃ two parts per million.
- (6) More than 5% ammonia.
- (7) More than 1% urea.
- (8) Plastic or metal ornaments such as eyes and nose not of a safety design or not attached to the stuffed toy so as to prevent removal.
- (9) Stones or other hard materials having jagged or sharp edges.
- (10) Material bearing electrostatic charge with adherence characteristics which when exposed could lodge in the wind-pipe, ears or nostrils.
- (11) Filling material which surface burns at a rate of less than three seconds for 12 square inches.

Source

The provisions of this §47.317 amended August 3, 1973, 3 Pa.B. 1471. Immediately preceding text appears at serial page (9255).

§47.318. Sterilization.

- (a) Any process used for the disinfecting of new material of animal origin shall not be deemed to afford proper and thorough disinfecting unless the process effectually removes disease producing spores, germs and bacilli, insects and insect nites, animal matter subject to decay, and dirt and filth to a degree which is not harmful or dangerous to the user.
- (b) Each applicant for a certificate of disinfection shall give a detailed description of the process to be employed, accompanied with a random sample of such product of animal origin.

CLASSIFICATION OF FLAMMABILITY

§47.321. Fabrics.

Classes I, II and III include stuffed toy coverings accepted as having no unusual burning characteristics; class IV includes all coverings which are considered dangerously flammable and recognized as being unsuitable for stuffed toys because of their rapid and intense burning. The classification for fabrics shall be as follows:

No nap, pile, tufting, flock, or other type raised fiber surface

Class I (Relatively slow burning)

When time of flame spread is 20 seconds or more for 12 square inches.

Class II (Moderately flammable)

When time of flame spread is eight to 19 seconds for 12 square inches.

Class III (Relatively flammable)

When time of flame spread is three to seven seconds for 12 square inches.

Class IV (Rapid and intense burning)

When time of flame spread is less than three seconds for 12 square inches.

Napped, pile, tufted, flocked, or other type raised fiber surface

When time of flame spread is over seven seconds for 12 square inches.

Burns with a rapid surface flash in less than seven seconds for 12 square inches, with no fusing or ignition of base fabric.

When time of flame spread is from four to seven seconds, both inclusive, for 12 square inches with fusing or ignition of base fabric.

When time of flame spread is less than four seconds for 12 square inches with fusing or ignition of base fabric.

§47.322. Nonfabric.

Nonfabric materials include plastics, paints, and nonfabric portions of a stuffed toy. These materials which meet the requirements in class V are accepted as having no unusual burning characteristics. Materials which have burning characteristics as set forth in class VI are considered dangerously flammable and recognized as unsuitable for stuffed toys because of their rapid burning and intense burning. The classification shall be as follows:

Class V

Such materials shall be classified as normal flammability when a nine square inch sample does not burn or flash the full area during a four second flame exposure.

Class VI

Such materials shall be classified as rapid burning when a nine square inch sample burns or flashes the full area during a four second flame exposure.